

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

FRANKIE BROWN,)	
)	
Plaintiff,)	
)	
v.)	No. 07 C 6490
)	
CITY OF MARKHAM and City of Markham)	Judge Robert M. Dow
Police Officers HARRIS, D. Walker)	
(Star #526), and UNKNOWN MARKHAM)	Magistrate Judge Nan R. Nolan
POLICE OFFICERS,)	
)	
Defendants.)	

DASHUN WALKER'S RESPONSES
TO PLAINTIFF'S SECOND SET OF REQUESTS TO ADMIT

Defendant DASHUN WALKER pursuant to Rule 36 of the Federal Rules of Civil Procedure, for his Responses to Plaintiff's Second Set of Requests to Admit served upon him in this action on March 10, 2008, state as follows:

REQUEST NO. 1: You were acting as an agent of the Department during your interactions with Plaintiff on May 30, 2007.

RESPONSE: Admitted.

REQUEST NO. 2: You were acting under of color law for purposes of Section 1983 during your interactions with Plaintiff on May 30, 2007.

RESPONSE: Admitted.

REQUEST NO. 3: You were on duty as a Markham Police Officer during your interactions with Plaintiff on May 30, 2007 and May 31, 2007.

RESPONSE: Admitted.

REQUEST NO. 4: You were acting within the scope of your authority as a Markham police officer during your interactions with Plaintiff on May 30, 2007.

RESPONSE: Admitted.

REQUEST NO. 5: You handcuffed Plaintiff on May 30, 2007.

EXHIBIT

A

RESPONSE: Denied.

REQUEST NO. 6: You detained Plaintiff at the Markham police station on either May 30, 2007 or May 31, 2007.

RESPONSE: Admitted.

REQUEST NO. 7: Plaintiff was detained at the Markham police station on May 30, 2007.

RESPONSE: Admitted.

REQUEST NO. 8: You searched Plaintiff's person on May 30, 2007.

RESPONSE: Denied.

REQUEST NO. 9: You took United States currency from Plaintiff's home on May 30, 2007.

RESPONSE: Admitted.

REQUEST NO. 10: You took approximately \$150 from Plaintiff's home on May 30, 2007.

RESPONSE: Admitted.

REQUEST NO. 11: You shone a spotlight on Plaintiff on May 30, 2007.

RESPONSE: Denied.

REQUEST NO. 12: You directed another Responding Officer to shine a spotlight on Plaintiff on May 30, 2007.

RESPONSE: Denied.

REQUEST NO. 13: You directed Plaintiff to stand outside his home on May 30, 2007, during the search of his home.

RESPONSE: Denied.

REQUEST NO. 14: You learned that Plaintiff was HIV positive on May 30, 2007.

RESPONSE: Denied.

REQUEST NO. 15: You told Plaintiff's nephew that Plaintiff was HIV positive on May 30, 2007.

RESPONSE: Denied.

REQUEST NO. 16: You told one of Plaintiff's neighbors that Plaintiff was HIV positive on May 30, 2007.

RESPONSE: Denied.

REQUEST NO. 17: You told another Person that Plaintiff was HIV positive on May 30, 2007.

RESPONSE: Denied.

REQUEST NO. 18: You knew that Plaintiff was homosexual on May 30, 2007.

RESPONSE: Denied.

REQUEST NO. 19: You searched Plaintiff's home on May 30, 2007.

RESPONSE: Admitted.

REQUEST NO. 20: You told Plaintiff that if he signed an agreement to act as an informant for the Markham police department, he could leave the Markham police station on May 31, 2007.

RESPONSE: Denied.

REQUEST NO. 21: You knew that there was no probable cause to believe that Plaintiff had committed a crime on May 30, 2007.

RESPONSE: Denied.

REQUEST NO. 22: You brought a videotape, the cover of which is depicted in document Bates No. 000003, outside Plaintiff's home on May 30, 2007.

RESPONSE: Denied.

REQUEST NO. 23: You brought the photograph depicted in document Bates No. 000002 outside Plaintiff's home on May 30, 2007.

RESPONSE: Denied.

REQUEST NO. 24: You heard other Responding Officers using the word "fag" during the search of Plaintiff's home on May 30, 2007.

RESPONSE: Denied.

REQUEST NO. 25: You used the word "fag" during the search of Plaintiff's home on May 30, 2007.

RESPONSE: Denied.

REQUEST NO. 26: You observed Plaintiff's neighbors watching the search of Plaintiff's home on May 30, 2007.

RESPONSE: Denied.

REQUEST NO. 27: You directed an individual to attempt to buy illegal narcotics from Plaintiff's home on May 29, 2007.

RESPONSE: Admitted.

REQUEST NO. 28: You conducted surveillance on Plaintiff's home on May 29, 2007.

RESPONSE: Admitted.

REQUEST NO. 29: You did not observe Plaintiff making any illegal drug transactions in May 2007.

RESPONSE: Admitted.

REQUEST NO. 30: You have no knowledge that Plaintiff was involved in any illegal drug transactions in May 2007.

RESPONSE: Denied.

REQUEST NO. 31: You did not find any illegal items in Plaintiff's home in May 2007.

RESPONSE: Denied.

REQUEST NO. 32: You arrested Plaintiff on May 30, 2007.

RESPONSE: Denied.

REQUEST NO. 33: Plaintiff came to the Markham police station voluntarily on May 30, 2007.

RESPONSE: Defendant admits that Plaintiff went to the Markham police station on May 30, 2007 because he was arrested, but objects to the word "voluntarily" because such word is vague and unable to be answered by this Defendant.

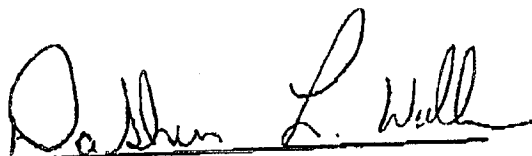
REQUEST NO. 34: Plaintiff spent the night of May 30, 2007 at the Markham police station voluntarily.

RESPONSE: Defendant admits that Plaintiff spent the night of May 30, 2007 at the Markham police station, but objects to the word "voluntarily" because such word is vague and unable to be answered by this Defendant.

REQUEST NO. 35: Plaintiff committed no crime in Your presence on May 30, 2007.

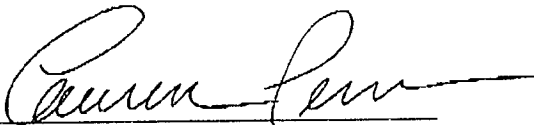
RESPONSE: Denied.

Dated: April 9th, 2008


Dashun Walker

Mitchell H. Frazen (A.R.D.C. No. 3127119)
Lauren M. Penn (A.R.D.C. No. 6280850)
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As to Objections:

By: 
Lauren M. Penn
LITCHFIELD CAVO LLP
One of Its Attorneys

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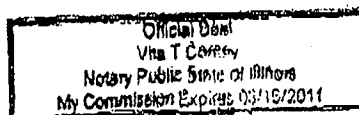
STATE OF ILLINOIS)
) - SS
COUNTY OF COOK)

Dashun Walker being first duly sworn upon oath, deposes and states that he is a Defendant in the above captioned lawsuit; that he is familiar with the responses to the above and foregoing requests to admit facts in the above-captioned action; and subject to those objections contained therein, that those responses are true and correct.


Dashun Walker

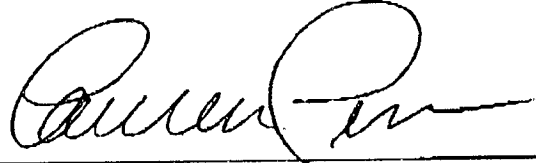
Subscribed and sworn to before me
this 4th day of April, 2008.


Notary Public



CERTIFICATE OF SERVICE

I, Lauren M. Penn, an attorney, certify that on April 9, 2008, I caused a copy of **DASHUN WALKER'S RESPONSES TO PLAINTIFF'S SECOND SET OF REQUESTS TO ADMIT**, to be served on the parties to whom they are addressed by having copies deposited in a United States Post Office box in a sealed envelope, proper postage prepaid, before the hour of 5:00 p.m. at 303 West Madison, Chicago, Illinois.

A handwritten signature in black ink, appearing to read 'Lauren Penn', written over a horizontal line.

Lauren M. Penn